



MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, FEBRUARY 14, 2006

The Council of the City of San Jose convened in Regular Session at 9:36 a.m. in the Mayor's Conference Room, T1841, at City Hall.

Present: Council Members: Campos, Chavez, Chirco, Cortese, LeZotte, Nguyen, Pyle, Reed, Williams, Yeager; Gonzales.

Absent: Council Members: None.

Upon motion unanimously adopted, the City Council recessed to Closed Session at 9:38 a.m. in Room T1841 to (A) confer with Legal Counsel regarding existing litigation pursuant to Government Code Section 54956.9 Subsection (a) to consider cases of City of (1) San Jose, et al., v. County of Santa Clara, et al., (2) County of Santa Clara, et al. v. City of San Jose, et al., (3) Keith Keesling v. City of San Jose, et al.; (B) to confer with Legal Counsel regarding anticipated litigation in (1) Significant exposure to litigation pursuant to subsection (b) of Section 54956.9 of the Government Code in 2 matters to be discussed; (2) Initiation of litigation pursuant to subsection (c) of Section 54956.9 of the Government Code in 2 matters to be discussed; and (C) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager designee Alex Gurza; Employee Organizations: (1) San José Police Officers' Association, and (2) International Association of Firefighters.

By unanimous consent, Council reconvened from Closed Session and recessed at 10:45 a.m. and reconvened at 1:32 p.m. in Council Chambers, City Hall.

Present: Council Members: Campos, Chavez, Chirco, Cortese, LeZotte, Nguyen, Pyle, Reed, Williams, Yeager; Gonzales.

Absent: Council Members: None.

INVOCATION

Father John Pettigo, St. Julie Church delivered a word of prayer, entitled: "Prophets of our future, not our own". (District 2)

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PLEDGE OF ALLEGIANCE

Mayor Gonzales led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Pyle, seconded by Council Member Campos, the Orders of the Day and the Amended Agenda were approved. (10-0-1). Absent: Cortese.

CEREMONIAL ITEMS

Former Council Member John Diquisto thanked the City of San José for their assistance and efforts with the Baja Sur Project and the contributions made to build their community.

1.1 Presentation of a proclamation to Interfaith Services Inc. Airport Chaplaincy for their service and dedication to our community. (Airport)

Action: Mayor Gonzales and Council Member Reed presented a proclamation to Interfaith Services, Inc. Airport Chaplaincy for their service and dedication to the community.

1.2 Presentation of a commendation celebrating Downtown Ice's 10th Anniversary of providing fun and frivolity for all. (Chavez)

Action: Mayor Gonzales and Vice Mayor Chavez presented a commendation celebrating Downtown Ice's 10th Anniversary.

1.3 Presentation of a commendation to the San José Junior Sharks in recognition of their outstanding success. (Chavez) HEARD IN THE EVENING

Action: This item was deferred to March 7, 2006, to be heard in the evening.

1.4 Presentation of a commendation to Cirque du Soleil for its dedication to at-risk youth in the community. (Mayor)

Action: Mayor Gonzales presented a commendation to Karen Gay, Alissa Koff-Ginsburg and Michelle Colbert of Cirque du Soleil for its contribution to at-risk youth in the community.

CONSENT CALENDAR

Upon motion by Council Member Campos, seconded by Council Member Reed and unanimously carried, the Consent Calendar was approved and the below listed actions taken as indicated, in addition, Item 2.3 was pulled by Vice Mayor Chavez and Item 2.6 was pulled by Council Member Nguyen for discussion. (11-0).

- 2.3 Adoption of a resolution authorizing the City Manager to apply for, accept and execute upon receipt, a grant from the Federal Aviation Administration to be used to acquire a fire truck for the Norman Y. Mineta San Jose International Airport, in an amount in excess of the City Manager's contract authority of \$100,000. (Airport)**

Documents Filed: Memorandum from Director of Aviation Sherry, dated January 27, 2006, recommending adoption of the Resolution.

Action: Upon motion by Council Member Chavez, seconded by Council Member Williams, and unanimously carried, [Resolution No. 73061](#), entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute and Submit an Application to the Federal Aviation Administration for a Grant for the Acquisition of a Fire Truck for the Norman Y. Mineta San José International Airport in an Amount in Excess of the City Manager's Contract Authority of \$100,000, to Accept the Grant if Awarded, and to Execute All Related Documents", was adopted, with direction to staff to provide an information memorandum outlining Airport Fire Station needs. (11-0).

- 2.4 Acceptance of the Office of the City Auditor's *Report of Activities and Findings for the Period December 16, 2005 through January 15, 2006*. (City Auditor) (Rules Committee referral 2/1/06)**

Documents Filed: The Report of Activities and Findings for the Period December 16, 2005 through January 15, 2006, from the Office of the City Auditor.

Action: The Report was accepted. (11-0).

- 2.5 Acceptance of the Bay Area Air Quality Management District grant funds to retrofit diesel powered vehicles.**

- (a) **Adoption of a resolution authorizing the City Manager to accept a grant and execute all documents necessary to effectuate the grant from the Bay Area Air Quality Management District (BAAQMD) to be used to retrofit diesel powered vehicles operated by the City of San José in an amount not to exceed \$206,550, not including the required local match of \$22,950, with a project completion date of January 2007.**
- (b) **Adoption of the following Appropriation Ordinance and Funding Source Resolution amendments to the Vehicle Operations and Maintenance Fund:**
 - (1) **Establish an appropriation to the General Services Department for the Clean Air Heavy Vehicles Retrofit project in the amount of \$206,550.**
 - (2) **Increase the estimate for Earned Revenue by \$206,550.**

CEQA: Not a Project. (City Manager's Office/General Services)

Documents Filed: Memorandum from Director of General Services Jensen and Budget Director Lisenbee, dated January 25, 2006, recommending adoption of a resolution to accept a grant from the Bay Area Air Quality Management District for clean air regional funds, and adoption of related appropriation ordinance and funding source resolution amendments.

2.5 (Cont'd)

Action: [Ordinance No. 27663](#), entitled: "An Ordinance of the City of San José amending Ordinance No. 27474 to appropriate moneys in the Vehicle Maintenance and Operations Fund for the Clean Air Heavy Vehicles Retrofit Project; and providing that this Ordinance shall become effective immediately upon adoption"; [Resolution No. 73062](#), entitled: "A Resolution of the Council of the City of San José authorizing the City Manager to accept a grant from the Bay Area Air Quality Management District (BAAQMD) to be used to retrofit diesel powered vehicles operated by the City of San José in an amount not to exceed \$206,550 including a local matching requirement of \$22,950, and to negotiate and execute all documents necessary to effectuate the grant, with a project completion date of January 2007"; and [Resolution No. 73063](#), entitled: "A Resolution of the Council of the City of San José amending Resolution No. 72762 setting forth the estimated sources of Funds for the Fiscal Year 2005-2006 to adjust revenues in the Vehicle Maintenance and Operations Fund", were adopted . (11-0).

2.6 (a) **Adoption of a resolution authorizing the City Manager to negotiate and execute an amendment to the existing agreement with Baseball Acquisition Company, Inc. (BAC) to:**

- (1) **Authorize BAC to manage the purchase and installation of a new core scoreboard at San Jose Municipal Stadium assuming all costs, subject to City's reimbursement of up to \$40,000 in costs to BAC, plus the City's payment of up to \$10,000 for the Department of Public Works review and inspection costs;**
- (2) **Allow BAC at its sole cost, to manage the purchase and installation of an enhanced video board and associated advertisement panels to add to the core scoreboard;**
- (3) **Expand the defined parking area by approximately 30,000 square feet; and**
- (4) **Extend the term of the agreement 24 months to October 1, 2009.**

(b) **Adoption of the following Appropriation Ordinance amendments in the Park City-wide Construction and Conveyance Tax Fund (Fund 391):**

- (1) **Establish an appropriation to the Parks, Recreation and Neighborhood Services Department for \$50,000 for the Municipal Stadium Scoreboard Improvements Project; and**
- (2) **Decrease the Ending Fund Balance by \$50,000.**

Council District: 7. CEQA: Exempt, PP06-016. (Parks, Recreation and Neighborhood Services)

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Sara Hensley and Budget Director Larry Lisenbee, dated February 6, 2006, recommending adoption of a resolution amending an existing agreement with the Baseball Acquisition Company, Inc. and adoption of appropriation ordinance amendments for the Municipal Stadium Scoreboard Improvements Project.

2.6 (Cont'd)

Action: Upon motion by Council Member Nguyen, seconded by Council Member Williams, and unanimously carried, [Ordinance No. 27664](#), entitled: “An Ordinance of the City of San José amending Ordinance No. 27474 to appropriate moneys in the Construction and Conveyance Tax Fund: City-Wide Parks Purposes Fund for the Municipal Stadium Scoreboard Improvements Project; and providing that this Ordinance shall become effective immediately upon adoption”, and [Resolution No. 73064](#), entitled: “A Resolution of the Council of the City of San José authorizing the City Manager to negotiate and execute an amendment to the agreement with Baseball Acquisition Company, Inc. relating to San José Municipal Stadium”, were adopted (11-0).

2.7 **Adoption of a resolution initiating proceedings, amending San José City Council Resolution No. 72871, adopted August 30, 2005 that ordered the reorganization of the territory designated McKee No. 128, comprised of 1.19 gross acres of land more or less, located on the east side of Kirk Avenue, approximately 110 feet southerly of Summit Avenue and adjacent to the City of San Jose annexations McKee Nos. 117 and 40 and the detachment of the same from Central Fire Protection, Area No. 01 (Library Service) County Service Districts, and Sanitation District 2-3, to include the detachment of the same from County Lighting County Service District and setting February 28, 2006, at 1:30 p.m. for Council consideration on the amended reorganization. Council District: 5. CEQA: Resolution No. 65459, File No. C04-090. (Planning, Building and Code Enforcement)**

Documents Filed: Memorandum from Acting Director of Planning, Building and Code Enforcement Joseph Horwedel, dated January 25, 2006, recommending adoption of the resolution amending Resolution No. 72871 pertaining to the reorganization of the territory designated McKee No. 128, and setting February 28, 2006, at 1:30 p.m. for Council consideration of the issue.

Action: [Resolution No. 73065](#), entitled: “A Resolution of the Council of the City of San José Initiating Reorganization Proceedings for the Annexation and Detachment of Certain Uninhabited Territory Designated as McKee No. 128 Described Herein and Setting the Date, time and Place for Consideration of Such Reorganization”, was adopted. (11-0).

2.8 **Adoption of a resolution initiating proceedings and setting February 28, 2006, at 1:30 p.m. for Council consideration on the reorganization of territory designated as Sunol No. 71 which involves the annexation to the City of San José of 0.15 acres of land more or less, located at the east side of Grand Avenue approximately 350 feet southerly of Park Avenue and adjacent to the City of San José annexation Sunol No. 60 and the detachment of the same from Sunol Sanitary, County Lighting County Service, Central Fire Protection and Area No.01 (Library Service) County Service Districts. Council District: 6. CEQA: Resolution No. 65459, File No. C05-092. (Planning, Building and Code Enforcement)**

2.8 (Cont'd)

Documents Filed: Memorandum from Acting Director of Planning, Building and Code Enforcement Joseph Horwedel, dated January 25, 2006, recommending adoption of the resolution initiating proceedings and setting February 28, 2006, at 1:30 p.m. for Council consideration on the reorganization of territory designated as Sunol No. 71.

Action: [Resolution No. 73066](#), entitled: "A Resolution of the Council of the City of San José Initiating Reorganization Proceedings for the Annexation and Detachment of Certain Uninhabited Territory Designated as Sunol No. 71 Described herein and Setting the Date, Time and Place for Consideration of such Reorganization", was adopted. (11-0).

2.9 **Adoption of a resolution initiating proceedings and setting February 28, 2006, at 1:30 p.m. for Council consideration on the reorganization of territory designated as Sunol No. 65 which involves the annexation to the City of San José of 0.15 acres of land more or less, located at the east side of Grand Avenue approximately 350 feet southerly of Park Avenue and adjacent to the City of San José annexation Sunol No. 60 and the detachment of the same from Sunol Sanitary, County Lighting County Service, Central Fire Protection and Area No.01 (Library Service) County Service Districts. Council District: 6. CEQA: Resolution No. 65459, File No. C02-012. (Planning, Building and Code Enforcement)**

Documents Filed: Memorandum from Acting Director of Planning, Building and Code Enforcement Joseph Horwedel, dated January 25, 2006, recommending adoption of the resolution initiating proceedings and setting February 28, 2006, at 1:30 p.m. for Council consideration on the reorganization of territory designated as Sunol No. 65.

Action: [Resolution No. 73067](#), entitled: "A Resolution of the Council of the City of San José Initiating Reorganization Proceedings for the Annexation and Detachment of Certain Uninhabited Territory Designated as Sunol No. 65 Described Herein and Setting the Date, Time and Place for Consideration of such Reorganization", was adopted. (11-0).

2.10 **Approval of a grant funding agreement with the Santa Clara Valley Transportation Authority in the amount of \$150,000 to the City for the preparation of a Pedestrian Master Plan and an Americans with Disabilities Act Transition Plan Update of Citywide sidewalk improvements. CEQA: Not a Project. (Transportation)**

Documents Filed: Memorandum from Director of Transportation James Helmer, dated January 27, 2006, recommending approval of the grant funding agreement.

Action: The grant funding agreement with the Santa Clara Valley Transportation Authority was approved. (11-0).

2.11 Adoption of a resolution authorizing the City Manager or designee to do the following:

- (a) Submit a grant application to the Federal National Institute of Justice (NIJ), an Agency of the United States Department of Justice, to support the efforts of the Mayor's Gang Prevention Task Force.**
- (b) Accept the grant, if awarded, in an amount not to exceed \$250,000.**
- (c) Negotiate and execute any related documents.**

(Mayor)

(Rules Committee referral 2/8/06)

Documents Filed: Memorandum from Mayor Ron Gonzales, dated February 13, 2006, recommending adoption of the resolution.

Action: This item was dropped from the agenda.

2.12 Adoption of a resolution recommending the nomination of the Montgomery Hotel for listing on the National Register of Historic Places. Historic Landmarks Commission recommends adoption (7-0-0). CEQA: Not a Project. Council District: 3. (Historic Landmarks Commission)

Documents Filed: Memorandum from Joseph Horwedel, Secretary, Historic Landmarks Commission, dated February 8, 2006, recommending adoption of the resolution.

Action: Resolution No. 73068, entitled: "A Resolution of the Council of the City of San José Recommending Nomination of the Montgomery Hotel (City Landmark No. HL00-120), Located at 211 South First Street, to the National Register of Historic Places", was adopted. (11-0).

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

**3.2 Report of the Rules Committee – February 1, 2006
Vice Mayor Chavez, Chair**

Documents Filed: Rules Committee report of February 1, 2006.

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting**
- (b) City Council**
 - (1) Review February 14, 2006 Draft Council Agenda**

The Committee recommended approval of the February 14, 2006 City Council Agenda with three additions. Attachment: Memorandum from Director of Parks, Recreation and Neighborhood Services Hensley and Deputy City Manager Shikada, dated January 26, 2006, recommending a follow-up discussion and approval to place a recommendation on the agenda regarding the potential land transaction with the Boys and Girls Clubs of Silicon Valley.

3.2 Report of the Rules Committee – February 1, 2006 (Cont'd)
Vice Mayor Chavez, Chair

(b) City Council (Cont'd)

(2) Add New Items to February 7, 2006 Council Agenda

The Committee recommended eight additions to the February 7, 2006 City Council Agenda.

(3) List of Reports Outstanding

The Committee noted and filed the City Manager's Report.

(c) Legislative Update

(1) State - There was no report.

(2) Federal - The Committee accepted the oral report.

(d) Meeting Schedules - There were none.

(e) The Public Record

The Committee noted and filed the Public Record. Attachment: Memorandum from City Clerk Lee Price, dated January 26, 2006, transmitting items for the public record and administration for the period of January 18-24, 2006.

(f) Appointments to Boards, Commissions and Committees - There were none.

(g) Rules Committee Reviews, Recommendations and Approvals - There were none.

(h) Open Forum

Bill Chew, requested documents used in the Rules Committee meeting to be made viewable to television viewers.

(i) Adjournment

The meeting adjourned at 2:34 p.m.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Campos, and unanimously carried, the Rules Committee report and actions of February 1, 2006 were accepted. (11-0).

- 3.4 (a) **Approval of the 2005-2006 Mid-Year Budget Report.**
(b) **Adoption of related appropriation ordinance and funding sources resolution amendments for the 2005-2006 Mid-Year Budget Review.**
(c) **Addition of 10.37 net additional positions detailed in the 2005-2006 Mid-Year Budget Review**
(d) **Adoption of a resolution making certain determinations regarding the expenditure of Redevelopment Agency funds on certain public improvements.**

CEQA: Not a Project. (City Manager's Office)

Documents Filed: (1) Memorandum from Budget Director Larry Lisenbee, dated February 3, 2006 transmitting the 2005-2006 Mid-Year Budget Review Report. (2) Hard copies of staff overhead presentation. (3) Memorandum from Council Member Chuck Reed, dated February 10, 2006, recommending modification of the City Hall Special Events Fee Reduction Policy to include events, workshops and meetings held on the weekends and holidays.

Discussion: Budget Director Larry D. Lisenbee presented an overview presentation of the 2005-2006 Mid Year Budget Report. Council questions followed.

Council Member Reed summarized the intent of his memorandum regarding the City Hall Special Events Fee Reduction Policy. Staff responded to additional questions relating to facility use and fee waivers.

Council Member LeZotte expressed concerns regarding reductions in Council Office re-budgets. The Mayor agreed to re-examine the methodology.

Council Member Williams voiced support for finding emergency funds needed to address an unsafe railroad crossing in District 2.

Action: Upon motion by Council Member Pyle, seconded by Vice Mayor Chavez, and unanimously carried, the FY2005-2006 Mid-Year Budget Review report was accepted, including the addition of 10.37 net additional positions as detailed therein, [Ordinance No. 27665](#), entitled: "An Ordinance of the City of San José Amending Ordinance No. 27474 to Appropriate Moneys in the General Fund and Various Special and Capital Funds; and Providing that this Ordinance shall Become Effective Immediately Upon Adoption", [Resolution No. 73069](#), entitled: "A Resolution of the Council of San José Amending Resolution No. 72762 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2005-2006 to Adjust Revenues in the General Fund and Various Special and Capital Funds", and [Resolution No. 73070](#), entitled: "Resolution of the Council of the City of San José Making Certain Determinations Regarding the Expenditure of Redevelopment Agency Funds for Certain Public Improvements in the Century Center, Pueblo Uno, and San Antonio Redevelopment Project Areas", were adopted; and Council approved a memorandum from Council Member Reed, dated February 10, 2006, recommending a modification to the City Hall Special Events Fee Reduction Policy to include events, workshops and meetings held on the weekends and holidays, and Staff was directed to maintain the budget cap at \$50,000 for Special Events Fee Reductions and advise Council

3.4 (Cont'd)

via an information memorandum if/when the cap is reached, to look for any funds available to address urgent public safety needs, (i.e., railroad crossings), especially for emergency situations, provide follow-up information relative to the ending fund balance and clarify what is meant by “one-time” and “on-going” funding, and for the Mayor’s Office to re-examine the methodologies used for the proposed reductions to Council Office re-budgets. (11-0.)

COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Report of the Driving a Strong Economy Committee – January 30, 2006 Council Member Williams, Chair

Documents Filed: Driving a Strong Economy Committee report of January 30, 2006.

- (a) Small Business discussion regarding the Ambassador Program Status and the Workforce Investment Network Study Assessing What Small Businesses Need. Attachments: (1) Memorandum from Director of Office of Economic Development Krutko, dated January 9, 2006, regarding Silicon Valley Workforce Investment Network (SVWIN) Small Business Needs Study. (2) Overheads presenting the Small Business Needs Study prepared by BBC Research & Consulting. (3) Memorandum from Director of Planning, Building and Code Enforcement Haase, dated December 5, 2005, recommending acceptance of the presentation from Planning, Building and Code Enforcement regarding the status of the Small Business Ambassador Program.
(Deferred from 12/14/05)

The Committee accepted the report and cross-referenced it to the full council.

- (b) Sports Progress Report
(Deferred from 12/14/05)

The Committee accepted staff’s report. Attachment: Memorandum from Director of Office of Economic Development Krutko, dated January 13, 2006, stating the Office of Economic Development will summarize its work on a variety of sports initiatives.

- (c) Economic Impact of Downtown Entertainment and Cultural Events
(Deferred from 12/14/05)

The Committee accepted staff’s report. Attachment: Memorandum from Director of Office of Economic Development Krutko, dated December 14, 2005, regarding the economic impact of downtown entertainment and cultural events.

4.2 Report of the Driving a Strong Economy Committee – January 30, 2006 (Cont'd) Council Member Williams, Chair

(d) Joint Venture Silicon Valley Indicators

The Committee asked Russell Hancock, CEO and President of Silicon Valley Joint Venture, to prepare a presentation for the committee on the services Silicon Valley Economic Development Alliance offers and present it at a future Committee meeting. Attachment: Memorandum from Director of Office of Economic Development Krutko, dated January 10, 2006, stating staff will present a briefing of Joint Venture's 2006 Index of Silicon Valley.

(e) Small and Local Business Contracting Update

The Committee accepted the report and cross-referenced it to the full Council. Attachment: Memorandum from Director of Office of Economic Development Krutko, dated January 13, 2006, recommending acceptance of the annual report on the status of implementation of the Small Business Opportunity Program.

(f) Small Business Commission Work Plan Review

The Committee deferred this item to the February 27, 2006 committee meeting. Attachment: Memorandum from Director of Office of Economic Development Krutko, dated January 12, 2006, stating that a representative of the Small Business Development Commission was to have presented a report of the group's achievements in 2005 and a proposed workplan for 2006.

(g) Oral Petitions

Bill Chew, Council Candidate, stated San José is the best place to live and do business.

(h) Adjournment - The meeting was adjourned at 4:23 p.m.

Discussion Council Member Williams asked staff to ensure all memoranda and reports provided at the Committee meetings be made available to Council and to augment the minutes to include all discussion regarding Items 4.2(b) and (c).

Action: Upon motion by Council Member Williams, seconded by Vice Mayor Chavez, and unanimously carried, the Driving a Strong Economy Committee report and actions of January 30, 2006 were accepted, with direction to Staff to ensure all memoranda and reports provided at the Committee meetings be made available to Council and to augment the minutes to include all discussion regarding Items 4.2(b) and (c). (11-0).

- 4.3 Appointment of individuals to the San José Medical Center Stakeholder Advisory Committee and direction to Staff to work together with the Committee and consultants to conduct the San José Medical Center Land Use Healthcare Study. (Planning, Building and Code Enforcement)
(Deferred from 2/7/06 – Item 4.3)**

Documents Filed: None.

Action: This item was deferred to February 28, 2006, to be heard in the evening.

NEIGHBORHOOD SERVICES

- 5.2 Approval to not proceed with a real estate exchange between the City of San Jose and the Boys & Girls Clubs of Silicon Valley (B&GC), and adoption of a resolution authorizing the City Manager to negotiate and execute a revised lease for the City's Japantown property, with a term through February 1, 2007, and direction to staff regarding further actions. CEQA: Not a Project. (City Manager's Office/Parks Recreation and Neighborhood Services)**

Action: This item was deferred to February 28, 2006.

- 5.3 Report on bids and award of contract for the Fowler Creek Park Development Phase I Project to the low bidder, Granite Rock Company DBA Pavex Construction Division, to include the base bid and Add Alternate Nos. 1 and 2, in the amount of \$3,394,750, and approval of a contingency in the amount of \$340,000. CEQA: Addendum to an EIR, Resolution No. 63179, File No. PP03-09-288. Council District: 8. (Public Works/Parks, Recreation and Neighborhood Services)**

Documents Filed: (1) Memoranda from Director of Public Works Allen, dated January 25, 2006, and from Director of Public Works Allen and Director of Parks, Recreation and Neighborhood Services Hensley, dated February 9, 2006, reporting on bids and recommending award of contract for the Fowler Creek Park Development Phase I Project to the low bidder, Granite Rock Company DBA Pavex Construction Division, and approval of related contingency. (2) Memorandum from Council Member Cortese, dated February 14, 2006, requesting addition to the record of correspondence from Hai Chang, dated February 14, 2006.

Action: Upon motion by Council Member Cortese, seconded by Council Member Pyle, and unanimously carried, the report on bids and award of contract was approved. (11-0).

TRANSPORTATION & AVIATION SERVICES

6.2 Adoption of a resolution authorizing the Director of Finance to:

- (a) Negotiate and execute an agreement with Air-Transport IT Services, Inc. for the purchase of technology and Integrated Systems for the Norman Y. Mineta San José International Airport, in an amount not to exceed \$6,492,877 including all hardware, software, the first year of support and professional services required to implement the system, and all applicable sales taxes.**
- (b) Execute four, one-year options for ongoing maintenance and support without further Council action other than the appropriation of funding, as follows: Year 2: \$576,371.00; Year 3: \$604,903.00; Year 4: \$634,920.00; Year 5: \$666,507.00; and**
- (c) Execute change orders in an amount not to exceed \$850,000.00 as contingency to cover unanticipated changes in the system design and/or installation. (Airport/Finance)**

Action: This item was deferred to February 28, 2006.

ENVIRONMENTAL & UTILITY SERVICES

- 7.1 (a) Conclude the Public Hearing on proposed Recycle Plus rate increases to be effective April 1, 2006, and on potential increases for Fiscal Years 2006-07 and 2007-08.**
- (b) Adoption of a resolution revising Recycle Plus rates for integrated waste management services beginning April 1, 2006, increasing single-family rates by 5% and multi-family rates by 2%.**

CEQA: Not a Project. (Environment Services)

Action: This item was deferred to February 28, 2006.

- 7.2 Approval of the first amendment to the utility agreement between the California Department of Transportation (Caltrans) and the City of San José to increase Caltrans' reimbursement of costs to the City by \$2,022,500 for a total reimbursement amount of \$6,993,000, for the mitigation of impacts to the City's sanitary sewer system associated with Route 87 Project (Julian to 101). Council District: 3. CEQA: Mitigated Negative Declaration, File No. PP03-12-378. (Transportation)**

Documents Filed: Memorandum from Director of Transportation James Helmer and Director of Public Works Katy Allen, dated January 26, 2006, recommending approval of the first amendment to the utility agreement.

7.2 (Cont'd)

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Reed, and unanimously carried, the first amendment to the agreement with the California Department of Transportation was approved. (11-0).

PUBLIC SAFETY SERVICES

8.1 **Acceptance of the 2005 Annex A update on the roles of elected officials during declared disasters as part of the City's Emergency Operations Plan. CEQA: Not a Project. (Emergency Services)** **(Deferred from 1/10/06 – Item 8.1)**

Action: This item was deferred to February 28, 2006.

JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened at 3:09 p.m. to consider Item 9.1 in a Joint Session with the City Council.

- 9.1 (a) **Acceptance of the report on Downtown Cleaning Actions and Strategies, and direction to staff to pursue the various strategies presented in the report to improve Downtown cleanliness.**
- (b) **Adoption of the following Appropriation and Funding Sources Resolution amendments in the General Fund:**
- (1) **Establish a Citywide appropriation to the Department of Transportation for Blight Abatement Services (PSM 461 #1) in the amount of \$120,000.**
 - (2) **Increase the estimate for Earned Revenue by \$120,000.**
- CEQA: Not a Project. Council District: 3. (City Manager's Office/Redevelopment Agency)**

Documents Filed: (1) Memorandum from Assistant City Manager Linder and Redevelopment Executive Director Mavrogenes, dated February 1, 2006 recommending acceptance of the report. (2) Hard copies of staff overhead presentation. (3) Memorandum from Budget Director Larry Lisenbee, dated February 8, 2006, making technical corrections to the Downtown Cleaning Actions and Strategies memorandum, i.e., Recommendation B, Item 2, page 1, is corrected to read: "Increase the estimate for Revenue from Local Agencies by \$120,000."

Director of Transportation Helmer provided a brief presentation, entitled: "A Clean Downtown".

Vice Mayor Chavez asked staff to review impacts to the Downtown San José area due to reduction of Sheriff patrolling, to better coordinate trash pickups after Downtown events, to look into Conservation Corp. performance issues, and evaluate effectiveness of street sweeping in the downtown.

9.1 (Cont'd.)

Public Comments: Henry Cord, Downtown Association President, and Scott Knies, Executive Director, San José Downtown Association, spoke in support of the recommendations. George Fokos spoke in support of downtown cleanup efforts. William Garbett spoke in opposition to the proposal, and Ross Signorino expressed concerns regarding the Redevelopment Agency's contributions to the project.

Action: The report was accepted; [Ordinance No. 27665.1](#), entitled: "An Ordinance of the City of San José Amending Ordinance No. 27474 to Appropriate Moneys in the General Fund for the Blight Abatement Services Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", and [Resolution No. 73071](#), entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 72762 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2005-2006 to Adjust Revenues in the General Fund", were adopted; with direction to staff to review impacts to the Downtown San José area due to reduction of Sheriff patrolling, to better coordinate trash pickups after Downtown events, to look into Conservation Corp. performance issues, and evaluate effectiveness of street sweeping in the downtown. (11-0).

The Redevelopment Agency Board portion of the meeting adjourned at 3:38 p.m.

OPEN FORUM:

- (1) Bill Chew announced his candidacy for Council District 3.
- (2) Robert Apgar expressed personal commentary.
- (3) Ross Signorino spoke to his candidacy for Council District 1.
- (4) Mark Trout shared personal viewpoints.

ADJOURNMENT

The Council of the City of San José adjourned at 4:15 p.m.

RON GONZALES, MAYOR

ATTEST:

LEE PRICE, M.M.C, CITY CLERK

EW/2-14-06 Min.

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JOINT REDEVELOPMENT AGENCY/CITY COUNCIL

The City of San Jose convened at 3:53 p.m. to hear items 8.1 and 8.2 in joint session with the Redevelopment Agency.

8.1 Approval of Childcare Facility funding in an aggregate amount of \$2,479,670, for projects with San Juan Bautista Child Development Center, Inc., Charities Housing w/Estrella Family Services, Kidango, National Hispanic University, a feasibility study with MACSA Youth enter, and for completion of the San José Day Nursery Project. [MERGED]

Documents filed: Memorandum from Agency Executive Director Mavrogenes and Assistant City Manager Linder, dated February 14, 2006, recommending approval of the proposed funding for this project.

Action: Upon motion by Council Member Chavez, seconded by Council Member Cortese, and unanimously carried, the Childcare Facility funding for Charities Housing w/Estrella Family Services, Kidango, National Hispanic University, a feasibility study with MACSA Youth enter, and for completion of the San José Day Nursery Project, were approved. (11-0). Upon motion by Council Member Campos, seconded by Council Member Williams, the proposed funding for San Juan Bautista Child Development Center, Inc., was approved. (10-0-1. Disqualified: Chavez.

8.2 Award of a contract for the Starbird Teen Center Project:

- (1) Adoption of a resolution by the Redevelopment Agency Board awarding a construction contract to CalState Construction, the low bidder, for the construction of the Starbird Teen Center Project, in the amount of \$2,174,000, and establishing a 10% construction contingency, for a total construction budget of \$2,391,400;**
- (2) Adoption of a resolution by the Redevelopment Agency Board approving an adjustment to the FY 2005-2006 Capital Budget adding \$700,000.00 to the Blackford Access to Recreation line in the Strong Neighborhoods Initiative Area and amending the FY 2005-2006 Agency appropriations resolution.**
- (3) Adoption by the City Council of the following Appropriation Ordinance amendments in the Park Trust Fund (Fund 375):**
 - (1) Establish a transfer to the San José Redevelopment Agency for \$550,000 for the Starbird Teen Center; and**
 - (2) Decrease the Reserve: Future PDO/PIO projects by \$550,000.**

CEQA: Exempt, File No. PP05-049 [SNI: BLACKFORD]

Documents Filed: Memorandum from Agency Executive Director Mavrogenes and Interim City Manager White, dated February 14, 2006, recommending the Council and Agency Board take the proposed actions relative to the Starbird Teen Center Project.

8.2 (Cont'd.)

Action: Upon motion by Council Member LeZotte, seconded by Council Member Reed, and unanimously carried, Agency Resolution Nos. 5667 and 5668 were adopted, and City [Ordinance No. 27666](#), entitled: “An Ordinance of the City of San José Amending Ordinance No. 27474 to Appropriate Moneys in the Subdivision Park Trust Fund for the San José Redevelopment Agenda for the Starbird Teen Center; and Providing that this Ordinance shall become Effective Immediately upon Adoption”, was adopted. (11-0)